

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BOBBY JOE COX,  
Plaintiff,  
v.

DENTAL AND MEDICAL DEPARTMENT  
OF THE CALIFORNIA DEPARTMENT  
OF CORRECTIONS AND  
REHABILITATION,  
Defendant.

Case No. [16-cv-04036-PJH](#)

**ORDER DENYING MOTION TO  
APPOINT COUNSEL**

Re: Dkt. No. 29

This is a civil rights case brought pro se by a prisoner. Plaintiff has filed a motion to appoint counsel. There is no constitutional right to counsel in a civil case, *Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981), and although district courts may "request" that counsel represent a litigant who is proceeding in forma pauperis, as plaintiff is here, see 28 U.S.C. § 1915(e)(1), that does not give the courts the power to make "coercive appointments of counsel." *Mallard v. United States Dist. Court*, 490 U.S. 296, 310 (1989).

The Ninth Circuit has held that a district court may ask counsel to represent an indigent litigant only in "exceptional circumstances," the determination of which requires an evaluation of both (1) the likelihood of success on the merits and (2) the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). Plaintiff has presented his claims adequately, and the issues are not complex.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Therefore, the motion to appoint counsel (Docket No. 29) is **DENIED**.

**IT IS SO ORDERED.**

Dated: July 18, 2018



---

PHYLLIS J. HAMILTON  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 BOBBY JOE COX,  
4 Plaintiff,

5 v.

6 DENTAL AND MEDICAL DEPARTMENT  
7 OF THE CALIFORNIA DEPARTMENT  
8 OF CORRECTIONS AND  
REHABILITATION,

9 Defendant.

Case No. [16-cv-04036-PJH](#)

**CERTIFICATE OF SERVICE**

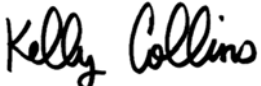
10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
11 District Court, Northern District of California.

12  
13 That on July 18, 2018, I SERVED a true and correct copy(ies) of the attached, by placing  
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
16 receptacle located in the Clerk's office.

17  
18 Bobby Joe Cox ID: BC4369  
19 Folsom State Prison Housing: B1-C2-27  
20 P.O. Box 715071  
Represa, CA 95671

21  
22 Dated: July 18, 2018

23 Susan Y. Soong  
24 Clerk, United States District Court

25  
26   
27 By: \_\_\_\_\_  
28 Kelly Collins, Deputy Clerk to the  
Honorable PHYLLIS J. HAMILTON